

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 28**

**WESTERN REFINING WHOLESALE, INC.<sup>1</sup>**

**Employer**

**and**

**Case 28-RC-6587**

**CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL  
UNION NO. 492 AND TEAMSTERS LOCAL UNION  
NO. 745<sup>2</sup>**

**Joint Petitioners**

**DECISION AND DIRECTION OF ELECTION**

Chauffeurs, Teamsters and Helpers Local Union No. 492 (Local 492) and Teamsters Local 745 (Local 745), hereinafter referred to jointly as the Joint Petitioners, have filed a petition, seeking an election within a unit comprised of approximately 162 drivers employed by Western Refining Wholesale, Inc. (Employer) at seven of its terminals located in New Mexico and El Paso, Texas, excluding all supervisors, managers, guards, office and clerical employees, and all other employees. At the hearing, the Joint Petitioners indicated that they would, in the alternative, seek an election within a unit comprised of approximately 192 full-time and regular part-time truck drivers employed by the Employer in its "Eastern Region," which consists of its 11 facilities located in New Mexico, Colorado, Utah, Flagstaff, Arizona, and El Paso, Texas. The Joint Petitioners further indicated that they would proceed to an election in any unit that I find appropriate.

Contrary to the Joint Petitioners, the Employer urges that the only appropriate unit is a system-wide unit of all full-time and part-time truck drivers performing delivery and transportation work for the Employer at all of its 17 facilities in New Mexico, Colorado, Arizona, Utah, Nevada, California, and El Paso, Texas. The unit proposed by the Employer would include approximately 323 employees.

Based upon the reasons more fully set forth below, I find that the original unit sought by the Joint Petitioners is not an appropriate unit for collective-bargaining purposes, but that the Joint Petitioners' proposed alternate unit, comprised of drivers employed in the Employer's Eastern Region, share a sufficient community of interest as to constitute an appropriate unit for purposes of collective-bargaining.

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<sup>1</sup> The name of the Employer appears as corrected at the hearing.

<sup>2</sup> The names of the Joint Petitioners appear as corrected at the hearing.

## DECISION

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

**1. Hearing and Procedures:** The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.

**2. Jurisdiction:** At the hearing, the parties stipulated, and I find, that the Employer is an Arizona corporation with its principal offices in Phoenix, Arizona, and does business in the States of New Mexico, Texas, Colorado, Arizona, Utah, Nevada, and California, where it is engaged in the business of buying and transporting petroleum products. For the 12-month period preceding March 4, 2008, the Employer, in the course and conduct of its business operations, derived gross annual revenue in excess of \$500,000 and, during the same period, purchased and received goods, supplies, and materials valued in excess of \$50,000 directly from sources located outside the State of New Mexico. Based on the parties' stipulation to such facts, I find that the Employer is an employer within the meaning of Section 2(6) and (7) of the Act and is engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and that it will effectuate the purposes and policies of the Act to assert jurisdiction in this matter.

**3. Labor Organization Status and Claim of Representation:** The parties stipulated, and I find, that Local 492 and Local 745 are each a labor organization within the meaning of Section 2(5) of the Act and claim to represent certain employees of the Employer.

**4. Statutory Question:** As more fully set forth below, a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of the Section 9(c)(1) and Section 2(6) and (7) of the Act.

**5. Unit Finding:** At issue is whether the petitioned-for unit is an appropriate unit; or, if not, whether the alternate Eastern Region unit proposed by the Joint Petitioners at the hearing is an appropriate unit; or, if neither of these units is appropriate, whether the system-wide unit proposed by the Employer is an appropriate unit. To provide a context for my decision, I will provide an overview of the Employer's operations, including its organizational structure, a description of its employees' terms and conditions of employment, followed by the case law and the reasoning that support my conclusions on these issues.

### A. Employer's Operations

#### 1. Organizational Structure

The Employer is engaged in the business of buying and selling petroleum products, as well as the transportation and delivery of such products to customers in several states in the west and southwestern United States. On May 31, 2007, Western Refining, Inc., the Employer's parent company, purchased Giant Industries, Inc., including its subsidiary

transportation companies, referred to as “heritage” companies or transportation fleets: Giant, Phoenix Fuels, Dial Oil, and Empire Oil. Each of the heritage transportation companies was a separate and distinct entity that serviced separate geographic areas. Before the acquisition, in October 2005, representatives of the heritage companies began to consolidate their fleets into one operating transportation group. This effort was still on-going at the time of the acquisition. In a memorandum dated January 16, 2008, the Employer’s parent company announced that, effective February 1, 2008, the heritage transportation fleets would be combined into a single operating unit within the Employer as the Western Refining Transportation Group (the Transportation Group). At the time of the hearing, certain administrative and managerial changes had been completed, but other changes resulting from the consolidation were still on-going or being evaluated.

The Transportation Group is headed by Chuck Johnson, General Manager, who, in turn, reports to Scott Stevens, Senior Vice President of the Employer’s parent company. Johnson oversees the Transportation Group as a whole, including financial and budgetary responsibilities, employees, hiring, and other responsibilities related to the Transportation Group. Reporting to Johnson are Duane Meade, Eastern Regional Operations Manager (and former general manager of the Dial heritage company); Sandi Lovario, Western Regional Operations Manager (and former terminal supervisor at one of the two Phoenix terminals); Randy White, Crude Gathering Operations Manager; Kim Stratton, Fleet Maintenance Manager; and Monica Marquez, Transportation Administrative Support Manager.

For administrative purposes, the Transportation Group under Johnson is divided into two regions, the Eastern Region and the Western Region. There are 17 terminals located in these regions that were formerly owned by the heritage companies. The Eastern Region has 11 terminals, formerly owned by either the Giant heritage company or the Dial Oil heritage company. These terminals are located in New Mexico, Colorado, Utah, Flagstaff, Arizona, and El Paso, Texas. The Western Region has six terminals, formerly owned by the Phoenix Fuels heritage company or the Empire Oil heritage company. These terminals are located in Tucson, Phoenix, and Safford, Arizona, Las Vegas, Nevada, and Bloomington, California.

In the Eastern Region, the following individuals report to Mead: Dan Hill, Transportation Manager; Steve Curtright, Transportation Supervisor; and Manny Medina, Supervisor. Hill is responsible for two terminals in Bloomfield, New Mexico (one of which was formerly owned by the Giant heritage company and the other formerly owned by the Dial heritage company), and one terminal each in Pagosa Springs and Dove Creek, Colorado (both of which were formerly owned by the Dial heritage company). Curtright is responsible for three terminals located in Gallup and Albuquerque, New Mexico, and Flagstaff, Arizona (all of which were formerly owned by the Giant heritage company). Medina is responsible for two terminals located in Las Cruces, New Mexico, and El Paso, Texas (both of which were formerly owned by the Dial heritage company). As noted above, Crude Gathering Operations Manager Randy White also works in the Eastern Region, but reports directly to Johnson. White is responsible for a terminal in Lynbrook, New Mexico, and a terminal in Montezuma Creek, Utah (both of which were formerly owned by the Giant heritage company).

In the Western Region, Lovario has four terminal managers/supervisors who report directly to her. These individuals are responsible for two terminals in Phoenix and terminals in Tucson and Safford, Arizona (all of which were formerly owned by the Phoenix Fuels heritage company), Las Vegas, Nevada, and Bloomington, California (both of which were formerly owned by the Empire Oil heritage company).

Before the consolidation, drivers of the heritage Giant transportation fleet worked out of terminals located in Albuquerque, Gallup, Bloomfield, and Lybrook, New Mexico; Flagstaff, Arizona; and Montezuma Creek, Utah. Drivers of the Dial Oil heritage transportation fleet worked out of terminals located in Las Cruces and Bloomfield, New Mexico; Dove Creek and Pagosa Springs, Colorado; and El Paso, Texas. Drivers of the Empire Oil heritage transportation fleet worked out of terminals located in Bloomington, California, and Las Vegas, Nevada. Drivers of the Phoenix Fuels heritage transportation fleet worked out of terminals located in Phoenix, Tucson, and Safford, Arizona. Although the consolidation of the heritage companies resulted in a combined, single operating unit known as the Western Refining Transportation Group, all of the terminals of the heritage companies remained in tact.

## 2. Pay Structure and Benefits

The current pay structures for the Employer's truck drivers varies depending on which heritage company owned the terminal to which they are assigned. Drivers under the heritage Giant company, all of whom are in the Eastern Region under Mead, are classified as exempt and receive incentive or load-based pay, mileage pay, and hourly pay for duties performed not related to driving a truck. In addition, the crude transportation drivers, all of whom were drivers with the heritage Giant company and are in the Eastern Region under White, work on a separate pay plan based on barrels hauled, miles driven, hazard pay, and hourly pay for duties performed other than driving. Drivers at the heritage Dial Oil terminals, all located within the Eastern Region, have a pay plan similar to drivers from the heritage Giant company, namely, an incentive or load-based plan and hourly pay for duties performed other than driving a truck. In contrast, drivers from the heritage Empire group and the heritage Phoenix Fuels group, all of whom are in the Western Region, are non-exempt employees paid solely on an hourly basis.

Johnson testified that there is an on-going effort within his administrative group to determine a standardized pay structure for all of the drivers in the Transportation Group. He did not, however, provide any specific information as to what this effort involves or in what manner the pay structure will be standardized. He generally testified that the timeline for implementation – whatever that may involve – coincides with the timeline of the implementation of the centralized dispatch and reorganization of the transportation group as one group, discussed below.

As to benefits, all of the Employer's employees, including truck drivers, receive the same handbook and the same following benefits: group medical plan, group dental plan, vision service plan, long and short-term disability plans, life and accidental death or

dismemberment insurance, employee assistance plan, sick and vacation leave, holidays, and 401(k) plan.

### 3. Dispatching

Currently drivers at terminals in the Eastern Region are dispatched out of Gallup or Bloomfield, New Mexico, as they were when they were employed by the heritage Giant or Dial Oil companies. Drivers at terminals in the Western Region are currently dispatched out of Phoenix, Tucson, or Safford, Arizona, as they were when they were employed by the heritage Phoenix Fuels or Empire Oil companies. Johnson testified that the Employer is in the process of installing a centralized dispatching system which will be completed in stages. The first stage is scheduled to be completed by June 2008, the second stage by August/September 2008, and the final stage in the first quarter of 2009. The record reflects that, under this centralized dispatch system, local sales in the Eastern Region will still be reflected under the heritage Giant or Dial Oil names and forwarded to a Routing Center Manager in Bloomfield (who reports to Johnson), to be routed to the Transportation Manager of the Eastern Region. Similarly, local sales in the Western Region will still be reflected under the heritage Phoenix Fuels or Empire Oil names and forwarded to a Routing Center Manager in Phoenix (who reports to Johnson), to be routed to the Transportation Manager of the Western Region. Because the newly-acquired software program is centralized and because each truck will be equipped with GPS, dispatchers in Bloomfield and Phoenix will be able to see any of the Employer's trucks regardless of region.

### 4. Human Resources Operations

Karen Scott is the Employer's Human Resources Manager. She reports directly to Kevin Goode, the Employer's Vice President who, in turn, reports directly to Scott Stevens, Vice President of the Employer's parent company. Scott oversees Human Resources for all of the Employer's divisions: Transportation, Sales, Customer Service, Accounting, Purchasing, Marketing, and IT. There are three Human Resource (HR) Generalists in the Transportation Group who report directly to Scott: Colleen Redfearn, located in Bloomfield, New Mexico, who oversees the Eastern Region; Kelly Holguin, located in Bloomington, California, who oversees Bloomington and Las Vegas, Nevada, in the Western Region; and, Marjo Berry, located in Phoenix, Arizona, who oversees the remaining locations in the Western Region. These HR Generalists are responsible for advertising, reviewing applications, performing Department of Transportation checks for proper certification, performing background checks, and arranging interviews with prospective hires for terminals in their respective regions. Interviews are conducted by terminal supervisors for their respective terminals or the HR Generalist responsible for the particular terminal. Hiring decisions are a collaborative process involving the HR Generalists, Terminal Manager/Supervisor, and sometimes the appropriate Regional Manager.

Although the Human Resources Department maintains a master file on each of the Employer's employees, Terminal Managers/Supervisors also maintain employee files for each employee, including truck drivers, for their respective terminals. To request a leave of absence, employees, including truck drivers, submit their request to their Terminal

Manager/Supervisor who, in turn, forwards it to the Human Resource Generalist for that Region for approval.

5. Training

Health, safety, environmental, and regulatory training for all of the Employer's employees is centralized by Western Refining Logistics. This department is responsible for the day-to-day training, day-to-day investigations of incidents related to injuries, spills, accidents, and program development for all of the Employer's employees, including truck drivers. Training may take place at individual terminals or employees from two to four terminals might be trained at one of the Bloomfield, New Mexico terminals.

6. Employee Interchange

The Employer offered into evidence documents that reflect that four drivers permanently transferred from a terminal in the Eastern Region to a terminal in the Western Region between February 2005 and June 2007. This does not include one driver who quit his employment at a terminal in the Eastern Region and later was hired at a terminal in the Western Region in August 2007, or a dispatcher who transferred from a terminal in the Eastern Region to a terminal in the Western Region in November 2007. There is no other record evidence of permanent interchange among any of the Employer's employees.

With respect to temporary interchange among drivers between the Eastern and Western Regions, the Employer offered into evidence hotel bills that show the following Phoenix (Western Region) drivers were temporarily assigned to the Gallup (Eastern Region) terminal and the dates of the assignments:

| # Drivers | Dates of Assignment   |
|-----------|---|
| 2         | November 2 – 16, 2007                                       |
| 1         | November 5 – 11, 2007                                       |
| 1         | November 6 – 11, 2007                                       |
| 1         | November 13 – 16, 2007                                      |
| 1         | November 16, 2007   |
| 1         | November 28 and 30, December 13 and 25, and January 1, 2008 |
| 1         | December 24, 2007   |
| 1         | December 29, 2007   |

The Employer also offered into evidence hotel bills that show the following temporary transfers to the Tucson terminal in May and December 2007 as follows:

| # Drivers | Home Terminal | Dates of Assignment                   |
|-----------|---------------|---------------------------------------|
| 1         | Gallup        | May 10 – 20                           |
| 2         | Gallup        | May 22                                |
| 1         | Gallup        | December 6 – 16                       |
| 1         | Phoenix       | December 11 – 14 and December 16 – 18 |

|   |             |                                       |
|---|-------------|---------------------------------------|
| 1 | Phoenix     | December 11 – 12 and December 18 – 21 |
| 1 | Albuquerque | December 8 – 19                       |
| 1 | Flagstaff   | December 8 – 22                       |
| 1 | Albuquerque | December 8 – 13 and 16 – 22           |
| 1 | Albuquerque | December 6 – 13 and 16 – 22           |
| 1 | Albuquerque | December 16 – 22                      |
| 1 | Albuquerque | December 6 – 13                       |

In addition to the above, the Employer offered into evidence numerous hotel bills and/or internal hauling documents that show numerous temporary transfers of drivers between terminals within the Eastern Region, and numerous temporary transfers between terminals within the Western Region. The record reveals that there have been only a few and sporadic number of temporary transfers of drivers from terminals in one Region to a terminal in the other Region. Although the Employer devoted ten pages of its post-hearing brief to describing approximately 112 instances of temporary transfers of a driver from one terminal to another, a review of the documents in evidence, cited by the Employer in support of its assertions, establishes that approximately 23 of these instances are double-counted in Employer's Exhibit 31. Moreover, the Employer's witness, Steve Curtright, Transportation Supervisor in the Eastern Region, testified that a number of documents in Employer's Exhibit 26 are copies of hotel bills or other internal documents that show a driver's layover in a particular location, as opposed to a temporary transfer.

There is no bargaining history for any of the employees involved herein.

## **B. Legal Analysis and Determination**

The Board's procedure for determining an appropriate unit under Section 9(b) is first to examine the petitioned-for unit. If that unit is appropriate, the inquiry ends. *Bartlett Collins Company*, 334 NLRB 484, 484 (2001). See also *American Hospital Association v. NLRB*, 499 U.S. 606, 610 (1991); *Dezcon, Inc.*, 295 NLRB 109, 111 (1989). If the petitioned-for unit is not appropriate, the Board may examine any alternate units suggested by the parties, but it also has the discretion to select an appropriate unit that is different from the alternative unit proposals of the parties. See *The Boeing Co.*, 337 NLRB 152, 153 (2001); *Bartlett Collins Co.*, supra. The Board generally attempts to select a unit that is the smallest appropriate unit encompassing the petitioned-for employee classifications. *Bartlett Collins Co.*, supra; *Overnite Transportation Co.*, 331 NLRB 662, 663 (2000). It is well settled that the unit need only be an appropriate unit, not the most appropriate unit. *Morand Brothers Beverage Co.*, 91 NLRB 409, 418 (1950), enfd. on other grounds 190 F. 2d 576 (2d Cir. 1951).

In determining whether a petitioned-for multi-facility unit is appropriate, the Board engages in a community of interest analysis, examining factors such as the employees' skills and duties, terms and conditions of employment, employee interchange, functional integration, geographic proximity, centralized control of management and supervision, and bargaining history. *Basha's Inc.*, 337 NLRB 710, 711 (2002), citing *Alamo Rent-A-Car*, 330 NLRB 897 (2000); *NLRB v. Carson Cable TV*, 795 F.2d 879, 884 (9th Cir. 1986).

In evaluating these factors, I find the petitioned-for unit limited to truck drivers employed at the Employer's New Mexico and El Paso, Texas terminals does not constitute an appropriate multi-facility unit. On the contrary, this petitioned-for unit appears to be an arbitrary grouping of employees, based on extent of organization, who do not share a community of interest distinct from that of truck drivers at other terminals of the Employer or otherwise conform to any administrative function or organizational grouping. *Basha's, Inc.*, supra. See also *Alamo Rent-A Car*, supra (two of four facilities in San Francisco not appropriate absent evidence of administrative or functional grouping of the proposed unit, substantial interchange or significant functional integration between the two facilities, and common supervision between the two facilities); *Acme Markets*, 328 NLRB 1208 (1999) (statewide units not appropriate). Simply stated, there is little to differentiate the employees in the petitioned-for unit from other employees in the Employer's Eastern Region.

However, I do find the alternate unit proposed by the Joint Petitioners, consisting of truck drivers employed at the terminals located in the Employer's Eastern Region, to be an appropriate unit. In this regard, the evidence demonstrates that the truck drivers in this proposed unit share a compensation package that is distinct and separate from their counterparts in the Western Region. Indeed, the compensation package for the two groups of employees is vastly different. The Eastern Region employees are classified as exempt employees and receive incentive or load-based pay, mileage pay, and hourly pay for duties performed not related to driving a truck. In contrast, the Western Region employees simply receive an hourly rate and no incentive-based compensation. The different pay scale enjoyed by drivers in the Eastern Region connotes a strong community of interest among that group.

Moreover, the evidence shows that the proposed alternative unit also corresponds to the Employer's organizational grouping of employees, namely, the Employer's Eastern Region, which is comprised of the heritage Giant and Dial Oil companies. In contrast, the drivers not included in the unit all work within the Employer's Western Region, which is comprised of the heritage Phoenix Fuels and Empire Oil companies. This organizational grouping is further underscored by the interchange between employees. While the record reflects significant interchange between employees within the Eastern Region, there is only a de minimus interchange of truck drivers between the Eastern and Western Regions. Likewise, the two Regions also have separate Human Resources managers, who collaborate with their respective Terminal Managers or Regional Managers regarding advertising for and interviewing new hires, disciplinary matters, and payroll issues.

Moreover, although the Employer intends to centralize its dispatch functions, the record indicates that very little will actually change – the dispatching for the Eastern Region drivers will be primarily performed from Bloomfield, New Mexico, while the dispatching for the Western Region drivers will be primarily performed from a Phoenix area location, which indicates that the Employer is maintaining its organizational dichotomy. Further, it does not appear that any such centralization of dispatch will result in any greater intermingling of drivers between the two Regions. The record also reveals that there is significant local autonomy for each of the terminals to the extent that their payroll, driver logs, and vehicle



maintenance records are maintained locally. Finally, there is no history of collective-bargaining for any of the employees at issue.

This case is similar to *United Parcel Service, Inc.*, 258 NLRB 223 (1981), where the Regional Director found appropriate a unit of operating clerks in the employer's Metro Division, which consisted of two operating centers. The employer disputed this unit finding, contending that the only appropriate unit encompassed all of its operating centers within its Rocky Mountain District because its operations and labor relations were integrated on a district-wide basis. The Board rejected the employer's argument, holding that the smaller division-wide unit was appropriate based on its administrative and geographic separation from all other operating centers within the District and common supervision at the divisional level. *Id.* at 224. That is the case here. The unit I find appropriate is administratively separate and has common supervision. Moreover, the unit I find appropriate has a strong, separate community of interest in their pay scale, a factor that was not present in *United Parcel Service*.

In sum, based upon the foregoing and the stipulations of the parties at the hearing, I find that the following employees of the Employer constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time truck drivers employed by the Employer at terminals in its Eastern Region located in New Mexico, Colorado, Utah, Flagstaff, Arizona, and El Paso, Texas, but excluding all full-time and regular part-time truck drivers employed by the Employer at terminals in its Western Region located in California, Nevada, and Tucson, Phoenix, and Safford, Arizona, dispatchers, maintenance employees, office-clerical employees, guards, and supervisors as defined in the Act.

There are approximately 192 employees in the unit found appropriate herein.

The unit found appropriate is different than that originally sought by the Joint Petitioners. Inasmuch as I am directing an election in a unit broader than the unit sought by the Joint Petitioners, if they so desire, the Joint Petitioners may withdraw their petition, without prejudice, upon written notice to the undersigned within ten (10) days from the date of this Decision and Direction of Election. If, however, the Joint Petitioners choose to proceed to an election on the basis of the broader unit found appropriate herein, they must, to the extent they have not already done so, submit to me within 14 days from the date of this Decision and Direction of Election evidence of an adequate showing of interest in the broader unit, or the petition will be dismissed.

#### **DIRECTION OF ELECTION**

I direct that an election by secret ballot be conducted in the above unit at a time and place that will be set forth in the notice of election that will issue soon, subject to the Board's Rules and Regulations. The employees who are eligible to vote are those in the unit who are

employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Also eligible are those in military services of the United States Government, but only if they appear in person at the polls. Employees in the unit are ineligible to vote if they have quit or been discharged for cause since the designated payroll period; if they engaged in a strike and have been discharged for cause since the strike began and have not been rehired or reinstated before the election date; and, if they have engaged in an economic strike which began more than 12 months before the election date and who have been permanently replaced. All eligible employees shall vote whether or not they desire to be represented for collective-bargaining purposes by:

**CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 492 AND  
TEAMSTERS LOCAL UNION NO. 745**

**LIST OF VOTERS**

In order to ensure that all eligible voters have the opportunity to be informed of the issues before they vote, all parties in the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, I am directing that within seven (7) days of the date of this Decision, the Employer file with the undersigned, two (2) copies of election eligibility lists containing the full names and addresses of all eligible voters. The undersigned will make this list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). This list may be used by me in determining an adequate showing of interest. I shall make the list available to all parties to the election only after I have determined that an adequate showing of interest covering the employees in the unit found appropriate has been established. In order to be timely filed, the undersigned must receive the list at the National Labor Relations Board Resident Office, 421 Gold Avenue, SW – Suite 310, P.O. Box 567, Albuquerque, New Mexico 87103-0567 on or before April 21, 2008. No extension of time to file this list shall be granted except in extraordinary circumstances. The filing of a request for review shall not excuse the requirements to furnish this list.

## RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court, 1099 14th Street NW, Washington DC 20570. This request must be received by the Board in Washington, DC, by the close of business at 5:00 p.m. (EDT) on April 28, 2008.** The request may be filed electronically through E-Gov on the Board's website, [www.nlr.gov](http://www.nlr.gov),<sup>3</sup> but may **not** be filed by facsimile.

Dated at Phoenix, Arizona, this 14<sup>th</sup> day of April 2008.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director  
National Labor Relations Board, Region 28

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<sup>3</sup> Electronically filing a request for review is similar to the process described above for electronically filing the eligibility list, except that on the E-Filing page the user should select the option to file documents with the **Board/Office of the Executive Secretary**. To file the request for review electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu. When the E-File page opens, go to the heading **Board/Office of the Executive Secretary** and click on the **File Documents** button under that heading. A page then appears describing the E-Filing terms. At the bottom of this page, the user must check the box next to the statement indicating that the user has read and accepts the E-Filing terms and then click the **Accept** button. Then complete the E-Filing form, attach the document containing the request for review, and click the **Submit Form** button. Guidance for E-Filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under **E-Gov** on the Board's web site, [www.nlr.gov](http://www.nlr.gov).